

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTINA R. PAOLI
- 34363 SUMMERLYN DRIVE
#204
LEWES, DE 19958
600 Third Street
Rehoboth DE Plaintiff
19971

vs.

THE STATE OF DELAWARE

and,

DELAWARE TECHNICAL AND
COMMUNITY COLLEGE

Defendants.

Docket No: 06-462

Jury Trial Demanded

2006 NOV 15 AM 11:54

CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE

MOTION FOR PRELIMINARY INJUNCTIVE RELIEF
AND CONSOLIDATED MEMORANDUM

1. The Plaintiff in this action is Christina R. Paoli, an adult individual residing at ~~34363 Summerlyn Drive, Number 204,~~
~~Lewes, Delaware, 19958.~~ 600 Third Street Rehoboth
19971

2. The Defendant's are The State of Delaware and Delaware Technical and Community College, hereinafter referred to as DTCC, a Delaware State Educational Institution, with its principle address at 400 Stanton Christiana Road, Newark, Delaware, 19713.

3. That Plaintiff's Complaint in this matter contained a count for Injunctive Relief, (Count IX).

4. That plaintiff's injunctive relief count in her complaint reads as follows:

COUNT - IX
Injunctive Relief

52. Paragraphs 1 through 51 above are incorporated herein as though set forth in full.

53. This Honorable District Court has the authority to enjoin Defendants from withdrawing Plaintiff from DTCC during the pendency of this action.

54. That if Plaintiff is unable to continue her education at one of the only Delaware State funded public college's during the pendency of this action, plaintiff will be irreparably harmed.

55. That there is a substantial likelihood that Plaintiff will prevail in this action.

Wherefore, Plaintiff respectfully requests this Honorable Court to enter an injunction upon the filing of this Complaint, enjoining DTCC from terminating Plaintiff's education and enrollment at the College, along with her enrollment in DTCC college athletic programs, during the pendency of this action.

5. That Plaintiff continues to be substantially harmed by the wrongful actions of the Defendants, which can only be remedied

during the pendency of this action by this Honorable Court enjoining defendants' wrongful action, as set forth in Plaintiff's Complaint.

6. That this Honorable Court has the authority to enter a Preliminary Injunction pursuant to FRCP 65.

7. That based on the facts set forth in the Plaintiff's Complaint incorporated herein, there is a substantial likelihood of success on the merits, U.S. v. Microsoft, 147 F.3d 935, 943 (D.C. Circuit 1998).

8. That based on the facts set forth in Plaintiff's Complaint incorporated herein, plaintiff will sustain irreparable harm and injury unless the court grants the injunction, Sampson v. Murray, 415 U.S. 61, (1974).

9. That balancing the relevant equities, and the hardship to the plaintiff if the injunction is not issued versus the hardship to the defendants if the injunction is granted, it is respectfully submitted that plaintiff prevails in this test, Hughes Network System v. Interdigital Comm. Corp., 17 F.3d 691 (4th Cir. 1994).

10. That the public interest in a citizen of the State of Delaware being given access to a public education, et.al., supports the granting of the injunction, In Re Hoechst, 174 F.3d 417.

11. That if Plaintiff is unable to continue her education at one of the only Delaware State funded public college's during the pendency of this action, plaintiff will be irreparably harmed.

____Wherefore, Plaintiff respectfully requests this Honorable Court enter a Preliminary Injunction enjoining DTCC from terminating Plaintiff's education and enrollment at the College, altering her educational status along with her enrollment in DTCC college athletic programs, during the pendency of this action.

Respectfully Submitted:

x Christine Park

CERTIFICATE OF SERVICE

I, Christine Paoli, do hereby certify that I am this
15 day of November, 2006, serving the following persons
and in the following manner with a true and correct copy of the
attached Preliminary Injunction.

Marc Niedzielski, Esquire

Mark Casarino, Esquire

CERTIFIED MAIL/ PROPER POSTAGE ATTACHED:

Christina Paoli